Application No.: 10/598,544

Third Preliminary Amendment dated: May 27, 2007

Atty. Ref.: 010200-122

## Amendments to the claims:

This listing of the claims will replace all prior versions, and listings, of the claims in the application:

- 1. (previously presented) A container having an upper portion with an opening into said container, said upper portion having a neck finish adapted to include an expandable seal following the introduction of a heated or heatable liquid into the container, said seal being capable of movement within the neck finish to compensate for vacuum forces during cooling of the liquid following sealing of the container.
- 2. (original) A container as claimed in Claim 1 wherein a surface of said seal extends transversely across the neck finish and is adapted to move further into the neck finish as the seal expands.
- 3. (original) A container as claimed in Claim 1 or Claim 2 wherein said seal is of a flexible material having an expandable side wall.
- 4. (original) A seal as claimed in Claim 3 in which said side wall has a concertina-like construction providing for said expansion.
- (currently amended) A container as claimed in any one of Claims 1 to 4
   Claim 1 in which the seal includes a rim portion which can engage with a rim of the neck finish.
- 6. (currently amended) A container as claimed in any one of Claims 1 or Claim 2 Claim 1 in which said movable seal includes a side wall which can be

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physically moved relative to the neck finish and towards the liquid in the container.

- 7. (original) A container as claimed in Claim 6 in which the side wall includes a screw thread engageable with another screw thread provided for said neck finish or a cap thereof.
- 8. (original) A container as claimed in Claim 6 in which the side wall provides a push-fit with the neck finish or cap thereof.
- 9. (currently amended) A container as claimed in any one of the preceding claims <u>Claim 1</u> wherein said seal provides a primary seal for the container, a secondary seal being provided for said neck finish over said opening into said container to define a secondary headspace between the primary and secondary seals.
- 10. (original) A container as claimed in Claim 9 in which a commodity is positioned or positionable within said secondary headspace.
- 11. (original) A container as claimed in Claim 10 in which said commodity is a tablet or pill intended for mixing with the liquid before use.
- 12. (original) A container as claimed in Claim 9 in which said secondary seal includes an aperture or port to provide access into said secondary headspace.
- 13 (original) A container as claimed in Claim 12 in which said aperture or port allows ingress of outside air into said secondary headspace and is adapted to be closed off following sufficient cooling of the liquid.

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- 14. (original) A container as claimed in Claim 12 in which said aperture or port enables the entry into the secondary headspace of a commodity.
- 15. (original) A container as claimed in Claim 14 in which the commodity is nitrogen or an oxygen-scavenging agent.
- 16. (currently amended) A container as claimed in Claim 1 or Claim 2 in which the seal is of a flexible "balloon-like" structure which is able to expand within the neck finish in compensating for vacuum pressure as the liquid cools.
- 17. (currently amended) A container as claimed in any of the preceding claims

  Claim 1 further including a base which is adapted to be inverted to provide a compression of the seal to move it within the neck finish towards the said opening and to pressurize a secondary headspace above said seal.
- 18. (currently amended) A container as claimed in Claim 1 or Claim 2 in which said seal is in the form of a cap which is positionable about said opening, said cap being downwardly moveable to compress a headspace beneath the seal.
- 19. (original) A container as claimed in Claim 18 in which a mechanical force provides for said downward movement.
- 20. (currently amended) A container as claimed in Claim 18 or Claim 19 in which the cap is lockable in its downward position.
- 21. (previously presented) A method of filling a container with a fluid which method includes introducing the fluid through an open end of the container so that it, at least substantially, fills the container, heating the fluid before or after its introduction into the container, providing a moveable seal for the open end to cover and contain the fluid, said seal being capable of responding to the

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expansion or contraction of the fluid so as to compensate for pressure in a headspace of the container under the seal following sealing of the container.

Canceled. 22.